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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,934

08/18/2003

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IGT1P279/P-835

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10/27/2008

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EXAMINER

JONES, MARCUS D

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

10/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

The amendment file on 16 July 2008 in response to the previous Non-Final Office Action (21 March 2008) is acknowledged and has been entered.

Claims 1, 3-12, and 14-24 are currently pending.

Claims 2, 13 and 25-37 are cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1, 3, 4, 7-9, 14, 15, 18-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey et al. (US PGPub 2004/0248652), and further in view of Kelly et al. (US PGPub 2002/0010025).**

In reference to claim 1, Massey discloses a computer-implemented method, comprising: receiving data indicative of a gaming unit on which a player has chosen to play a selected one or more games in a tournament (i.e. registration process, see pg 2, par 33-34), wherein the chosen gaming unit is not configured for playing the one or more selected games in the tournament and gaming software for the one or more selected games is not stored on the chosen gaming unit when the data is received (the games must be downloaded or installed, pg 3, par 45-46); obtaining the gaming software for the one or more selected games and configuration data for configuring the chosen gaming machine for playing the selected one or more games in the tournament (pg 3, par 45-46), wherein the gaming software can effectively configure the chosen gaming unit for playing the one or more games in a tournament (pg 1, par 13-15); after the player has chosen the gaming unit, loading the gaming software for the one or more selected games and the configuration data to the chosen gaming unit, thereby effectively configuring the chosen gaming machine for participation in the tournament play of the one or more selected games and enabling the player to use the chosen gaming machine to play the one or more games in the tournament (pg 3, par 47); and receiving a fee from a player to play in the tournament (pg 2, par 27). Massey fails to explicitly disclose determining a single or plurality of winning players of the tournament, generating data indicative of a value or share of value payout to be awarded to the winning player. Kelly teaches distributing prize credits to one or more winning players based on the outcome of at least one game (pg 9, par 119-120).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Massey in view of Kelly to increase the possibility of winning the tournament thereby increasing game play excitement and to include a fair distribution of prizes among multiple tournament winners.

In reference to claim 3, Massey and Kelly disclose the invention substantially as claimed. Massey further discloses wherein loading gaming software to the chosen gaming unit comprises transmitting the gaming software to the gaming unit via a network (pg 3, par 45).

In reference to claim 4, Massey and Kelly disclose all the invention substantially as claimed. Massey further discloses wherein loading gaming software to the chosen gaming unit comprises loading the gaming software from at least one of a floppy disk, a CD-ROM, a DVD, a PC card, a smart card, and a portable memory device (pg 3, par 46).

In reference to claims 7, 8, 9, 18, 19 and 20, Massey and Kelly disclose the invention substantially as claimed. Massey inherently discloses the gaming software comprises an executable file/configuration file/data file (the "actual game play software", pg 3, par 45).

In reference to claim 14, The teachings of Massey as applied to claim 1 have been discussed above. Massey further discloses a tournament server/main system server 300 comprising network interface operatively coupled to a network (see Figure 6) and a controller operatively coupled to the network interface, the controller comprising a processor and a memory operatively coupled to the

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processor (see Figure 6; pg 6, par 99-100), the controller configured to perform the method of claim 1 (see rejection of claim 1 above).

In reference to claim 15, Massey and Kelly disclose the invention substantially as claimed. Massey further discloses wherein the controller is further configured to: determine whether the chosen gaming unit is already configured for playing in the tournament; and load gaming software to the chosen gaming unit only if the gaming unit is not already configured for playing in the tournament (pg 2, par 33 and pg 3, par 45).

In reference to claim 24, Massey and Kelly disclose the invention substantially as claimed. Massey further discloses wherein the controller is further configured to transmit a plurality of indicators of outcomes of games to the gaming unit (see Figure 4).

4. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey and Kelly in view of Okamoto (US 5,489,103).

In reference to claims 5 and 16, Massey and Kelly disclose all the invention substantially as claimed, but fail to teach confirming that the gaming software was loaded to the gaming unit successfully. Okamoto teaches a method of transferring game or karaoke data from a host facility to a plurality of terminals. As step S1150 the host facility is notified that the transmission was completed following the completion of a data transfer (see Figure 6; col 6, ln 32-42).

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It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Massey and Kelly in view of Okamoto to include the step of confirming a successful software load to the system of Massey in order to provide a more reliable and easier to troubleshoot data transfer.

5. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey and Kelly in view of Schneier et al. (US 5, 768, 382).

In reference to claims 6 and 17, Massey and Kelly disclose all the invention substantially as claimed, but fail to teach authenticating the gaming software after loading the gaming software to the gaming unit. Schneier teaches authenticating game software by generating a hash value of the game software (see Figures 6A and 6B; col 18, ln 31 - col 19, ln 19).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Massey and Kelly in view of Schneier to include the step of authenticating the game software after loading in order to provide a more reliable and secure system.

6. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey and Kelly in view of Morrow et al. (US PGPub 2003/0064771).

In reference to claims 10 and 21, Massey and Kelly disclose all the invention substantially as claimed, but fail to teach the gaming software comprises a pay table. Morrow teaches a reconfigurable gaming machine wherein the game on the gaming machine may be changed by transferring new game software via a network. Morrow also teaches that the new pay table may be downloaded (pg 2, par 12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Massey and Kelly in view of Morrow to include the step of transferring a new pay table along with corresponding game software in order to provide a greater variety of games to players.

7. Claims 11, 12, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey and Kelly in view of Haliburton et al. (US PGPub 2002/0052229).

In reference to claims 11, 12, 22 and 23, Massey and Kelly disclose all the invention substantially as claimed, but fail to teach randomly or pseudo-randomly generating a plurality of seeds for a random number generator to be implemented by the gaming unit. Haliburton teaches a solitaire game played over the Internet that uses a server/client architecture. The sequence of cards for each player is determined by using a randomly generated seed to locally generate a random sequence of cards (pg 5, par 45).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Massey and Kelly in view of Haliburton

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to include the step of the server randomly generate a plurality of seeds and send them to game playing clients for generating random outcomes in order to provide more effective random number generation since the seed is generated independently of the gaming unit.

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 14, and by dependency, claims 3-12, and 14-24, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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